

### **REMARKS**

By this Amendment, claims 25 and 37 are amended. Claims 26-36 and 38-48 remain in the application. Thus, claims 25-48 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

In item 2 on page 2 of the Office Action, new claims 25-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith (U.S. 6,192,407) in view of Shaffer (U.S. 6,092,114).

Without intending to acquiesce to this rejection, independent claims 25 and 37 have each been amended in order to more clearly illustrate the marked differences between the present invention and the applied references. Accordingly, the Applicant respectfully submits that the present invention is clearly patentable over the applied references for the following reasons.

The present invention provides a data distribution system which includes an information terminal operable to request distribution of information including still picture data, moving picture data or audio data, and an information provider apparatus operable to provide the information to the information terminal.

In the data distribution system of the present invention, the information terminal automatically transmits its specifications when transmitting an information provision request which requests distribution of the information including still picture data, moving picture data or audio data from the information provider apparatus. The information provider apparatus transmits the requested still picture data, moving picture data or audio data to the information terminal by detecting, from a data storage unit, information corresponding to the information requested in the information provision request.

The information provider apparatus also converts the detected data to data having a quality which is adaptable to an information reproduction capability of the information terminal which is determined by the specifications of the information terminal, and being in the same data format as the data reproduced by the information terminal.

Therefore, according to the data distribution system of the present invention, it is possible to transmit appropriate information having a quality which reflects the information reproduction capabilities of the information terminal by converting the requested information to the reproduction capabilities of the information terminal but

without changing the data format of the requested information, and to appropriately charge for the transmitted data according to the information reproduction capabilities of the information terminal. In other words, an information user of the information terminal is not charged for higher quality versions of requested information if the information user's information terminal does not possess the information reproduction capabilities to properly reproduce the higher quality versions of the requested information.

Claims 25 and 37 each recite the above-described features of the present invention.

In particular, claim 25 recites the data distribution system as comprising an information terminal operable to request distribution of information including still picture data, moving picture data or audio data. Furthermore, claim 25 recites the data distribution system as comprising an information provider apparatus which includes a data conversion unit. Claim 25 recites the data conversion unit as being operable to convert the detected data to data having a quality which is adaptable to an information reproduction capability of the information terminal which is determined by the specifications of the information terminal, and being in the same data format as the data reproduced by the information terminal.

Claim 37 recites the data distribution system as comprising an information terminal operable to request distribution of information including still picture data, moving picture data or audio data. Furthermore, claim 37 recites the data distribution system as comprising an information provider apparatus which includes a data conversion unit. Claim 37 recites the data conversion unit as being operable to convert the detected data to data having a quality which is adaptable to an information reproduction capability of the information terminal which is determined by the detected specifications of the information terminal, and being in the same data format as the data reproduced by the information terminal.

Smith et al. discloses a document delivery system which generates private Uniform Resource Locators (PURLs) to distribute information, where each PURL uniquely identifies an intended recipient of a document, a document or a set of documents to be delivered and other parameters which are specific to the delivery process. The PURLs do not attach information to a message (e.g., e-mail) to send

documents to an intended recipient. Instead, the PURLs attach a general reference to a document to be sent, and then enable the recipient to access a document via the attached reference. Further, Smith et al. discloses that the reference attached to the document can be intercepted by a server in order to decrypt a document or to provide tracking capabilities by noticing and recording when the intended recipient accesses the transmitted document (see Column 15, lines 4-27).

The document delivery system of Smith et al. includes a sender 300 who sends a document 310, and a server 315 which stores the documents and generates a PURL for each intended recipient 320 of the document. The server 315 generates the PURL by encoding user information and document information and delivery parameters or transaction identifiers within the PURL. The server 315 then forwards the PURL to each intended recipient 320 so as to notify the recipient 320 that a document has been sent to him or her (see Column 15, lines 28-42 and Figure 20).

Smith et al. discloses that in order to access the document, the recipient 320 presents the received PURL to the server 315, whereupon the server 315 determines the next action to be taken, such as whether to require a password from the recipient 320 before the document can be accessed, whether to log that the document was accessed successfully or that the delivery of the document was successful in a database. In addition, the server can log the IP address of the recipient 320, or the server can log the IP address of any subsequent access to a given document with the same PURL (see Column 15, line 43 to Column 16, line 20).

However, Smith et al. does not disclose or suggest an information provider apparatus having a data conversion unit operable to convert the detected data to data having a quality which is adaptable to an information reproduction capability of the information terminal which is determined by the specifications of the information terminal, and being in the same data format as the data reproduced by the information terminal, as recited in claims 25 and 37.

Instead, Smith et al. merely discloses that the server includes a format translator which examines attributes of store items 48 (which includes a tree of binary files 34 and a descriptor 36, see Column 4, lines 35-36) and translates the formats of files stored in the server (see Column 5, lines 10-30).

Furthermore, as acknowledged by the Examiner, Smith et al. fails to disclose the transmission of specific multimedia types of data, namely still picture data, in which the specifications of the information terminal include information of at least one selected from a number of pixels, a tone, a compression ratio, a compression method, a number of reproducible pictures, and a storage capacity, moving picture data, in which the specifications of the information terminal include information of at least one selected from a number of pixels, a tone, a compression ratio, a compression method, a number of reproducible pictures and a storage capacity; and audio data, in which the specifications of the information terminal include information of at least one selected from a sampling rate, a frequency band, a compression ratio, a compression method, a reproduction time, and a storage capacity.

To teach a document delivery system which supports the transmission of multimedia data types including still picture data, moving picture data or audio data, the Examiner applied Shaffer et al.

However, similar to Smith et al., Shaffer et al. does not disclose or suggest an information provider apparatus having a data conversion unit operable to convert the detected data to data having a quality which is adaptable to an information reproduction capability of the information terminal which is determined by the specifications of the information terminal, and being in the same data format as the data reproduced by the information terminal, as recited in claims 25 and 37.

Instead, Shaffer et al. discloses converting the file format of an attached file in order to improve the safety and reliability of a file attached to an e-mail. In fact, Smith et al. does not contemplate converting an attached file to data having a quality which is adaptable to an information reproduction capability of an intended recipient or being in the same data format as the data reproduced by the intended recipient.

In contrast to Shaffer et al., the conversion of data in the present invention is one that reduces the amount of data, not one that converts the file format of the data. This feature of the present invention is clearly recited in claims 25 and 37 by requiring the conversion of the data to be in the same data format as the data reproduced by the information terminal. Thus, unlike Smith et al. and Shaffer et al., claims 25 and 37 do not convert the file format of data.

The present invention, as recited in claims 25 and 37, thus enables reproduction of data dependent on a respective information display capability of information terminals of different kinds, and prevents a problem of charging for data when the information terminal cannot reproduce the data due to an excessive size of the data.

As described above, neither Smith et al. nor Shaffer et al., either individually or in combination, disclose or suggest this feature of the present invention as recited in claims 25 and 37.

Therefore, no obvious combination of Smith et al. and Shaffer et al. would result in the inventions of claims 25 and 37 since Smith et al. and Shaffer et al. clearly fail to disclose or suggest each and every limitation of claims 25 and 37.

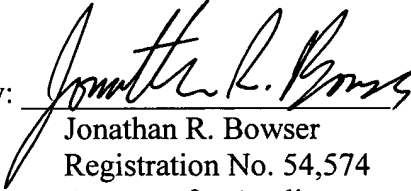
Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time the invention was made would not have been motivated to modify Smith et al. and Shaffer et al. in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 25 and 37. Therefore, it is submitted that the claims 25 and 37, as well as claims 26-36 and 38-48 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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